

SELF-SERVICE CENTER

PROCEDURES: WHEN AND HOW TO FILE AN APPLICATION AND AFFIDAVIT FOR DEFAULT IN FAMILY COURT CASES

WHEN TO FILE THE APPLICATION FOR DEFAULT:

- after the other party has been served with the court papers, AND
- the appropriate response period has passed (see Default Timetable below), AND
- the other party has not filed a response or answer with the court.

STEP 1: COUNT. Look at the **Default Timetable** below to find the method of service you used and the number of calendar days to count before you can apply for a default hearing or order.

- **BEGIN COUNTING THE DAY AFTER THE OTHER PARTY WAS SERVED WITH THE PETITION.**
- **INCLUDE WEEKENDS AND HOLIDAYS** until you reach the number of days listed.
- **If the last day for the other party to respond falls on a Saturday, Sunday, or legal holiday, do NOT count that day.**

DEFAULT TIMETABLE

<u>SERVICE MADE IN ARIZONA</u>	<u>COUNT</u>	<u>EVENT</u>
Acceptance of Service	20 Days	after the other party signs the <i>"Acceptance of Service"</i>
Delivery with Signature Confirmation*	20 Days	after other party signs delivery confirmation*
Process Server	20 Days	after other party receives papers from a process server
Service by Sheriff	20 Days	after other party receives papers from Sheriff
<u>SERVICE MADE OUT OF STATE</u>		
Acceptance of Service out of State	30 Days	after the other party signs the <i>"Acceptance of Service"</i>
Process Server out of State	30 Days	after other party receives papers from a process server
Delivery with Signature Confirmation*	30 Days	after other party signs delivery confirmation*
Service by Sheriff	30 Days	after other party receives papers from Sheriff
Certified Mail out of State	30 Days	after other party signs a green return receipt card
<u>Publication</u>	60 Days	after 1 st publication

** available for Family Court matters only*

STEP 2: WAIT. Wait until the day after the number of days indicated in the Default Timetable above. If the other party did not file an ***Answer/Response*** with the Court you may complete, file and mail a copy of the Application and Affidavit for Default as instructed in Steps 3 and 4 below. **You must take this action for your case to proceed.**

STEP 3: SIGN AND COPY: Sign and date the ***"Application and Affidavit for Default."*** Do **NOT** sign and date the ***"Application and Affidavit for Default"*** before the amount of time shown in the Default Timetable has passed.

Make two copies of your signed and dated ***"Application and Affidavit for Default."***

STEP 4: FILE: File the original Application and Affidavit for Default with the Clerk of the Court at any of these locations:

- **Central Court Building**, 201 West Jefferson Street, Phoenix, AZ 85003 (1st Floor);
- **Northwest Court Facility**, 14264 West Tierra Buena Lane, Surprise, AZ. 85374;
- **Southeast Court Facility**, 222 East Javelina Avenue, Mesa AZ 85210; OR
- **Northeast Court Facility**, 18380 North 40th Street, Phoenix, AZ 85032.

Hand the original & both copies of the ***"Application and Affidavit for Default"*** to the Clerk at the filing counter. The Clerk will keep the original, date-stamp both sets of copies and return the copies to you. **Make sure both copies are stamped.**

STEP 5: MAIL: Mail one of the date-stamped copies of the ***“Application and Affidavit for Default”*** to the other party on the same day you file the papers with the Clerk of the Court. Keep the other copy for your records. (The ***“Application and Affidavit for Default”*** must be mailed, hand delivery is not acceptable.)

No children involved?

Would you like to get your divorce, annulment or legal separation default decree *without* having to go to court?

If you qualify, you may apply for Default *Without Hearing* to get your default court order by mail. See ***“Procedures: How to get a Default Decree Without Hearing”***, the next to last document in this packet, to determine if you qualify. Otherwise, follow the steps below to schedule your default hearing.

STEP 6: COUNT 10 COURT BUSINESS DAYS. Starting from **THE DAY AFTER** the ***“Application and Affidavit for Default”*** was filed, count **10 court business days** before proceeding to **STEP 7**.

STEP 7: FILL OUT THE “DEFAULT SCREENING CHECKLIST” (in this packet). If the ***Default Screening Checklist*** indicates you met all requirements, proceed to **STEP 8**.

STEP 8: SCHEDULE YOUR DEFAULT HEARING BY CALLING 602-372-3332 or going online and clicking ***“Schedule Decree On Demand Hearing”*** on the right. You will need the information from the ***“Default Screening Checklist”*** with you when you schedule your hearing.

STEP 9: PREPARE THE PAPERWORK YOU ARE REQUIRED TO BRING TO THE COURT HEARING: A complete list of documents you are required to bring to your default hearing is available on page 2 of the ***“Default Screening Checklist.”***

STEP 10: GO TO YOUR HEARING AT THE SCHEDULED DATE AND TIME.

DEFAULT HEARING: Do’s and Don’ts

DO

- ✓Be on Time (if you are late, your hearing will be rescheduled to another day)
- ✓Expect to be in the Courthouse up to four hours or longer (plan accordingly)
- ✓Dress appropriately (no caps or hats in the Courtroom)
- ✓Bring required documents (if you do not bring the required documents, your hearing will be rescheduled to another day)

Don’t

- ✓Do **not** bring children (if you bring children, your hearing will be rescheduled to another day)
- ✓Do **not** bring food or drinks in the courtroom
- ✓Do **not** chew gum in the courtroom